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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,333	11/19/2001	Yuichi Narita	110982	8553
25944 7590 06/01/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LASTRA, DANIEL	
			ART UNIT 3622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/988,333

Applicant(s)

NARITA ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 have been examined. Application 09/988,333 (AWARD POINT SERVICE SYSTEM, RECORDING MEDIUM FOR USE THEREIN AND AWARD POINT SERVICE METHOD) has a filing date 11/19/2001 and foreign priority 11/20/2000.

Response to Amendment

2. In response to Non Final Rejection filed 10/18/2006, the Applicant filed an Amendment on 02/16/2007, which amended claims 1, 15-22, 27, 29 and 30.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel (US 6,594,640) in view of Taylor (US 5,578,808).

Claim 1, Postrel teaches:

An award point service system, comprising:

a point issuing device that issues points to a customer who purchases an article
(see col 9, lines 55-65);

a *first* memory that stores data of the points issued to the customer (see col 9, lines 55-65) *in at least one virtual store on a network* (see col 4, lines 5-40);

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wherein the at least one virtual store established on a network is accessible to the point issuing device (see figure 4); and wherein the at least one actual store is accessible to the point reducing device (see col 9, lines 55-65 "vender associated with a computer connected to the Internet"). Postrel fails to teach *a second memory that stores data of the points issued to the customer in at least one actual store*; a data access permitting device that permits the data of the points issued to the customer to be read from the *first and second memories*; and a point reducing device that allows use of at least a part of the points read from the *first and second memories* by subtracting the at least *part of the points* from the data of the points stored in the *first and second memories*. However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 2, Postrel teaches:

An award point service system according to claim 1, wherein the at least one actual store is accessible to the point issuing device (see col 9, lines 55-65).

Claim 3, Postrel teaches:

An award point service system according to claim 1, wherein the at least one virtual store is accessible to the point reducing device (see col 4, lines 4-45).

Claim 4, Postrel teaches:

An award point service system according to claim 2, wherein the at least one virtual store is accessible to the point reducing device (see col 4, lines 4-45).

Claim 5, Postrel teaches:

An award point service system according to claim 1, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 6, Postrel teaches:

An award point service system according to claim 2, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 7, Postrel teaches:

An award point service system according to claim 3, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 8, Postrel teaches:

An award point service system according to claim 4, further comprising a managing device that manages the points issued by the point issuing device and the points reduced by the point reducing device (see col 4, lines 5-45).

Claim 9, Postrel teaches:

An award point service system according to claim 1, wherein the data access permitting device comprises a terminal provided in the actual store (see col 9, lines 55-65), and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 10, Postrel teaches:

An award point service system according to claim 2, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 11, Postrel teaches:

An award point service system according to claim 4, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 12, Postrel teaches:

An award point service system according to claim 3, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 13, Postrel teaches:

An award point service system according to claim 5, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-67).

Claim 14, Postrel teaches:

An award point service system according to claim 9, wherein the recording medium comprises a medium used for making a payment (see col 9, lines 55-65).

Claim 15, Postrel teaches:

An award point service system according to claim 9, wherein *the terminal is a point of sale (POS) terminal* (see col 10, lines 1-10).

As per claim 16, Postrel teaches:

An award point service system according to claim 9, wherein *the terminal is a credit authorization terminal (CAT)* (see col 10, lines 1-10).

As per claim 17, Postrel fails to teach:

An award point service system according to claim 1, further comprising:

a credit company that issues credit to the customer comprising:

a first credit company memory for storing data of the points issued to the customer in virtual stores;

a second credit company memory for storing data of the points issued to the customer in an actual store;

a credit company virtual server connected to the first credit company memory that is configured to communicate with the at least one virtual store; and

a credit company actual server connected to the second credit company memory that is configured to communicate with the at least one actual store,

wherein the customer can purchase items from the at least one virtual store and the at least one actual store with credit.

However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 18, Postrel teaches:

An award point service system according to claim 17 further comprising:

an information processing center communicatively connected to the credit company actual server and credit company virtual server that processes purchases made under credit by the customer wherein the credit company actual server communicates with the at least one actual store via the information processing center (see col 10, lines 1-10).

Claim 19, Postrel teaches:

An award point service system, comprising:

a point issuing device that issues points to a customer who purchases an article (see col 9, lines 55-65);

a *first* memory that stores data of the points issued to the customer (see col 9, lines 55-65) *in at least one virtual store* (see col 9, lines 55-65);

a data access permitting device that permits the data of the points issued to the customer to be read from the memory (see col 9, lines 55-65), and

a point reducing device that allows use of at least a part of the points read from the memory by subtracting the at least *part of the* points from the data of the points stored in the memory (see col 9, lines 55-65); wherein the at least one virtual store established on a network is accessible to the point reducing device (see col 4, lines 1-45); and wherein the at least one actual store is accessible to the point issuing device (see col 9, lines 55-65). Postrel fails to teach *a second memory that stores data of the points issued to the customer in at least one actual store*. However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 20, Postrel teaches:

An award point service system according to claim 19, wherein the at least one virtual store is accessible to the point issuing device (see col 4, lines 1-45).

Claim 21, Postrel teaches:

An award point service system according to claim 19, wherein the at least one actual store is accessible to the point reducing device (see col 9, lines 55-65).

Claim 22, Postrel fails to teach:

An award point service system according to claim 20 further comprising:

a credit company that issues credit to the customer comprising:

a first credit company memory for storing data of the points issued to the customer in virtual stores;

a second credit company memory for storing data of the points issued to the customer in an actual store;

a credit company virtual server connected to the first credit company memory that is configured to communicate with the at least one virtual store; and

a credit company actual server connected to the second credit company memory that is configured to communicate with the at least one actual store,

wherein the customer can purchase items from the at least one virtual store and the at least one actual store with credit.

However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time

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the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 23, Postrel teaches:

An award point service system according to claim 19, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 24, Postrel teaches:

An award point service system according to claim 20, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 25, Postrel teaches:

An award point service system according to claim 21, wherein the data access permitting device comprises a terminal provided in the actual store, and the terminal receives the data of the points from a recording medium owned by the customer and supplies the recording medium with the data of the points (see col 9, lines 55-65).

Claim 26, Postrel teaches:

An award point service system according to claim 23, wherein the recording medium comprises a medium used for making a payment (see col 9, lines 55-65).

Claim 27, Postrel teaches:

A recording medium used in a point service system including an award point issuing device that issues points to a customer who purchases an article, a *first* memory that stores data of the points issued to the customer (see col 9, lines 55-65) *from at least one virtual store*, wherein the recording medium transmits and receives the data of the points to and from the data access permitting device, and wherein the recording medium stores the points issued or reduced by any of the at least one virtual store and the at least one actual store (see col 9, lines 55-65). Postrel fails to teach a *second memory that stores data of the points issued to the customer from at least one actual store*, a data access permitting device that permits the data of the points issued to the customer to be read from the *first and second memories* and a point reducing device that allows use of at least a part of the points read from the *first and second* memories by subtracting the at least part of the points from the data of the points stored in the *first and second* memories. However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 28, Postrel teaches:

A recording medium according to claim 27, comprising an IC card having an IC chip (see col 9, lines 55-65).

Claim 29, Postrel teaches:

An award point service management method *for use with an award point service system* comprising the steps of issuing points to a customer who purchases an article in at least one of virtual stores established on a network;

recording the issued points *in the first memory* (see col 9, lines 55-65); and

as subtracting points used by the customer from the data of the points stored in a memory in at least one of actual stores such that the points are used by the customer for purchasing an article in the at least one of actual stores (see col 9, lines 55-65).

Postrel fails to teach that said system *having a first memory that stores points relating to purchases made by the customer in at least one of virtual stores and a second memory that stores points relating to purchases made by the customer in at least one of actual stores*. However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of

said awarded points and use said awarded points from different vendors as payment for purchases.

Claim 30, Postrel teaches:

An award point service management method *for use with an award point service system* comprising the steps of: issuing points to a customer who purchases an article in at least one of actual stores (see col 9, lines 55-65);

recording the issued points *in the second memory* (see col 9, lines 55-65);

Postrel fails to teach *having a first memory that stores points relating to purchases made by the customer in at least one of virtual stores and a second memory that stores points relating to purchases made by the customer in at least one of actual stores and transferring at least a portion of the points in the second memory to the first memory* and subtracting points used by the customer from the data of the points stored in *the first memory* in at least one of virtual stores such that the points are used by the customer for purchasing an article in the at least one of virtual stores. However, Taylor teaches a smart card that stores point information from a plurality of vendors in different memories areas linked to said vendors and where said points are used as payment for purchases (see col 3, lines 20-40; col 7, lines 35-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Response to Arguments

4. Applicant's arguments filed 02/16/2007 have been fully considered but they are not persuasive. The Applicant argues that Taylor discloses a single memory and therefore, according to the Applicant, Taylor fails to disclose a first memory that stores data of the points issued to the customer in at least one virtual store on a network and a second memory that stores data of the points issued to the customer in at least one actual store. The Examiner answers that contrary to Applicant's argument, Taylor teaches a smart card that stores a plurality of vendors information in a plurality of memories (see figure 1).

The Applicant argues that there would no reason to add the memory of Taylor to that of Postrel. The Examiner answers that Postrel teaches that his invention can be implemented by means of a smart card (see Postrel col 9, lines 55-67) and Taylor teaches a smart card which stores a plurality of vendors information in a plurality of said smart card memories (see Taylor figure 1 and 2a). Therefore, contrary to Applicant's argument, there is reason to add the Taylor's smart feature to Postrel's smart card.

The Applicant argues that neither Postrel nor Taylor discloses memories dedicated to storing information relating to either online or offline merchants. The Examiner answers that Postrel teaches using smart cards to make purchase in online and offline vendors (see col 9, line 55 – col 10, line 12) and Taylor teaches storing in a smart card the point value of a plurality of vendors (see figure 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Postrel's smart card would have a plurality of memories which would

store point information from a plurality of vendors, as taught by Taylor in order to link awarded points with the issuing vendor of said awarded points and use said awarded points from different vendors as payment for purchases.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
May 12, 2007



RAQUEL ALVAREZ
PRIMARY EXAMINER